By:  Bryant H.B. No. 3710

A BILL TO BE ENTITLED

AN ACT

relating to the advertisement of prices by persons selling motor fuel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  This Act may be cited as the Transparency at the Pump Act of 2023.

SECTION 2.  Title 12, Business & Commerce Code, is amended by adding Chapter 610 to read as follows:

CHAPTER 610. TRANSPARENCY IN MOTOR FUEL PRICING

Sec. 610.001.  DEFINITIONS. In this chapter:

(1)  "Merchant" means a person whose business includes the sale of motor fuel through motor fuel dispensers to retail customers.

(2)  "Motor fuel" has the meaning assigned by Section 162.001, Tax Code.

(3)  "Credit card" means an identification card, plate, coupon, book, or number or any other device authorizing a designated person or bearer to obtain property or service on credit.

(4)  "Debit card" means an identification card, plate, coupon, book, or number or any other device authorizing a designated person or bearer to communicate a request to an unmanned teller machine or a customer convenience terminal or to obtain property or services by debit to an account at a financial institution.

Sec. 610.002.  MOTOR FUEL PRICE DISPLAY REQUIREMENTS. (a) A merchant shall display the price of the motor fuel mixtures sold by the merchant with a prominent sign:

(1)  on the motor fuel pump; and

(2)  by the roadside adjacent to the merchant's premises.

(b)  A merchant shall visibly differentiate the price of the motor fuel mixtures sold by the merchant to a retail customer paying with:

(1)  cash, a debit card, or a gift card; or

(2)  a credit card.

(c)  A merchant shall visibly display on the motor fuel pump any difference between the price of the motor fuel mixture sold by the merchant to a retail customer paying with cash and the price a retail customer paying with a debit card, gift card, or credit card would pay.

(d)  A merchant that sells more than one grade of a certain motor fuel may display the price of only the lowest grade of each motor fuel sold.

Sec. 610.003.  VIOLATION OF CHAPTER; DECEPTIVE TRADE PRACTICE. A violation of this chapter is a deceptive trade practice under Subchapter B, Chapter 17, and is actionable under that subchapter.

SECTION 3.  The change in law made by this Act applies only to an advertisement or sale of motor fuel that takes place on or after April 1, 2024. An advertisement or sale of motor fuel that takes place before April 1, 2024, is governed by the law in effect on the date the advertisement or sale of motor fuel took place, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.